

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

GEORGIA BICKERSTAFF
Administrator Estate of Craig L. Bickerstaff
10517 Garfield Avenue
Cleveland, Ohio 44108

Plaintiff

vs.

EDWARD LOHN
Chief of Police
City of Cleveland Police Department
601 Lakeside Avenue
Cleveland, Ohio 44113

and

CITY OF CLEVELAND
City of Cleveland Police Department
601 Lakeside Avenue
Cleveland, Ohio 44113

and

RAYMOND CHIPGUS
City of Cleveland Police Department
601 Lakeside Avenue
Cleveland, Ohio 44113

and

ANTONIO MONTIJO
City of Cleveland Police Department
601 Lakeside Avenue
Cleveland, Ohio 44113

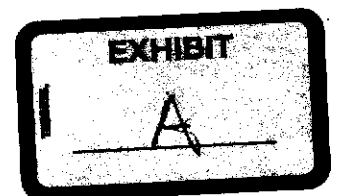
and

JOHN DOES 1-50
Unknown Employees of the Cleveland
Police Department
Address unknown

CASE NO.

JUDGE

COMPLAINT



Plaintiff, by and through its undersigned attorney, alleges for its Complaint as follows:

1. This action is brought on behalf of the Estate of Craig Lamont Bickerstaff by and through its Administrator, Georgia Bickerstaff, to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 1983, et seq., for compensatory and punitive damages, and for the common law actions of Assault and Battery, Negligence, including the unreasonable use of excessive force by and law enforcement officer, and Wrongful Death for compensatory and punitive damages, as outlined below.

2. Defendant Edward Lohn, Chief of the Cleveland Police Department, has been appointed to his position and is sued in his official capacity only. Defendant City of Cleveland has employed, trained and hired past chiefs and police officers, including Defendants Raymond Chippus, Antonio Montijo and John Does 1-50. At all relevant times herein, Defendants Raymond Chippus, Antonio Montijo and John Does 1-50 were employed as police officers by Defendants Edward Lohn and the City of Cleveland Police Department and were acting within the scope of their employment.

3. The Police Chief and the City of Cleveland has responsibility, among other things, for the selection, hiring, training and employment of Police Officers who patrol the streets and enforce the laws of the City of Cleveland and State of Ohio. Both are persons and employers within the meaning of 42 U.S.C. Section 1983.

4. The Defendant City of Cleveland is a governing body created pursuant to the laws of the State of Ohio and is vested with powers to carry out the governmental functions necessary for the operation of the City of Cleveland. Defendant City of Cleveland appropriates funds for the operation of the Cleveland Police Department

including funds for the salaries and wages of employees in the Cleveland Police Department.

5. On or about January 26, 2002 at 10811 or 10820 Lee Avenue in the City of Cleveland, County of Cuyahoga, and State of Ohio, the decedent Craig Lamont Bickerstaff, an African American male was fatally shot five times by Defendants Raymond Chippus and Antonia Montijo as they were attempting to stop, frisk and question the decedent.

6. As a direct and proximate cause of the acts of Defendants Chippus and Montijo and the failure to properly hire, train and supervise Chippus and Montijo by the other Defendants herein, the decedent, Craig Lamont Bickerstaff was caused serious physical and psychological injury and distress and death.

COUNT ONE-CLAIM PURSUANT TO 42 U.S.C. SECTION 1983

6. Plaintiff restates and incorporates by reference the allegations contained in paragraphs 1 through 5 above.

7. Plaintiff states that all of the Defendants herein, while acting color of state law, intentionally, recklessly and negligently caused injury and death to the decedent, Craig Lamont Bickerstaff

COUNT TWO-UNREASONABLE FORCE

8. Plaintiff restates and incorporates by reference the allegations contained in paragraphs 1 through 7 above.

9. Plaintiff states that Defendants Raymond Chippus and Antonia Montijo intentionally, recklessly or negligently used unreasonable deadly force to effectuate the detention of the decedent, Craig Lamont Bickerstaff which directly and proximately

caused him serious physical and psychological injury and distress and death.

COUNT THREE- ASSAULT AND BATTERY

11. Plaintiff restates and incorporates by reference the allegations contained in paragraphs 1 through 10 above.

12. Plaintiff states that Defendants Raymond Chipgus and Antonia Montijo Intentionally assaulted the decedent, Craig Lamont Bickerstaff which directly and proximately caused him serious physical and psychological injury and distress and death.

COUNT FOUR- NEGLIGENCE

13. Plaintiff restates and incorporates by reference the allegations contained in paragraphs 1 through 12 above.

14. Plaintiff states that Defendants Raymond Chipgus and Antonia Montijo negligently shot the decedent, Craig Lamont Bickerstaff which directly and proximately caused him serious physical and psychological injury and distress and death.

COUNT FOUR- WRONGFUL DEATH

15. Plaintiff restates and incorporates by reference the allegations contained in paragraphs 1 through 14 above.

16. Plaintiff states that Defendants Raymond Chipgus and Antonia Montijo Intentionally, recklessly or negligently caused the wrongful death of the decedent, Craig Lamont Bickerstaff, pursuant to the Ohio Wrongful Death Statute which directly and proximately caused him serious physical and psychological injury and distress and death.

WHEREFORE, Plaintiff prays that the Court grant the following relief:

(a) Award compensatory damages to Plaintiff in the amount Five Million Dollars

(\$5,000,000.00) as would fully compensate her for injuries caused by the acts against the decedent as alleged in this Complaint, pursuant to and within the statutory limitations of 42 U.S.C. § 1983 and the common law causes of action as described above..

(b) Award punitive damages to Plaintiff in the amount Five Million Dollars (\$5,000,000.00) for the acts against the decedent as alleged in this Complaint, pursuant to and within the statutory limitations of 42 U.S.C. § 1983 and the common law causes of action as described above..

JURY DEMAND

A trial by jury is hereby demand.

Respectfully submitted,

Richard H. Drucker, Esq.

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